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Attorneys for Defendant
WAL-MART STORES, INC.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DONALD C. BRYAN, VIRGIL CALDWELL,
CARROLL HAMPTON, and ROBERT
RODRIGUEZ,

Plaintiffs.

V.

WAL-MART STORES, INC., a Delaware Corporation dba WAL-MART TRANSPORTATION LLC, JEFFREY HAMMOND and DOES 1-50, inclusive,

Defendants.

CASE NO. CV-08-05221 EMC

**DECLINATION TO PROCEED BEFORE
MAGISTRATE JUDGE AND REQUEST
FOR REASSIGNMENT TO A UNITED
STATES DISTRICT JUDGE**

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REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

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The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

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DATED: November 24, 2008

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GIBSON, DUNN & CRUTCHER LLP

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Attorneys for Defendant WAL-MART STORES, INC.

DECLARATION OF SERVICE

I, Robin McBain, declare as follows:

I am employed in the County of San Francisco, State of California; I am over the age of eighteen years and am not a party to this action; my business address is One Montgomery Street, 31st Floor, San Francisco, California 94104, in said County and State. On **November 24, 2008**, I served the within:

**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR
REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

to all interested parties as follows:

BY ECF (ELECTRONIC CASE FILING): I e-filed the above-detailed document utilizing the United States District Court, Northern District of California's mandated ECF (Electronic Case Filing) service on November 24, 2008. Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the documents upon confirmation of e-filing.

I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s) were printed on recycled paper, and that this Certificate of Service was executed by me on **November 24, 2008**, at San Francisco, California.

/s:/Robin McBain

Robin McBain

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